

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: SS2009-0007 - Small Scale Land Use Amendment to Commercial- Lisa Pannell & James Lopez - US 301/Wildwood

REQUESTED ACTION: Approve small scale land use amendment SS2009-0007

☐ Work Session (Report Only) **DATE OF MEETING:** 2/9/2010
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: Planning

BUDGET IMPACT: _____
☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

The applicant is requesting a small scale land use amendment on 1.98 acres MOL from Agricultural to Commercial.

The Zoning & Adjustment Board held a public hearing on February 1, 2010, for the proposed amendment and recommended approval (11-0)

ZAB cases:

- 1) Lisa Pannell & James Lopez - SS2009-0007*****
 - 2) Lisa Pannell & James Lopez - R2009-0027
 - 3) Sumter LLC - R2009-0019
-

**SMALL SCALE SUMTER COUNTY COMPREHENSIVE PLAN AMENDMENT
APPLICATION**

DATE: December 30, 2009

CASE NUMBER: SS2009-0007

APPLICANT: Lisa Pannell & James Lopez

LEGAL DESCRIPTION:

Section 30, Township 18S, Range 23E; Begin 50' W and 420' S of NE corner of SE ¼ for Point of Beginning; Run W 420'; Run S 210'; Run E 420'; Run N 210' to Point of Beginning; Less US 301 ROW.

ELEMENTS: Future Land Use Map and Future Land Use Element

PROPOSED CHANGE:

<u>Current Future Land Use Designation</u>	<u>Acres</u>	<u>Proposed Future Land Use Designation</u>
Rural Residential	1.98 acres	Commercial

GENERAL DESCRIPTION AND BACKGROUND

This application requests a Small Scale Future Land Use amendment from Rural Residential (1 dwelling unit/acre) to Commercial. The application consists of one parcel encompassing approximately 1.98 acres within the Wildwood area of unincorporated Sumter County. The subject property is located on the west side of US 301, approximately 0.4 miles north of C-462. The subject property has not been the subject of a future land use amendment within the past year. See Map 1 for project location and adjacent uses.

SURROUNDING LAND USE AND ZONING

The properties to the north, south, and west of the subject property have a Future Land Use of Rural Residential. However, the parcel immediately to the south, along US 301, has a vested commercial zoning and use. To the south of the vested commercial zoning, the City of Wildwood has property with a commercial land use classification. The properties to the east of the subject property have a Future Land Use of Industrial. Properties within the City of Wildwood, to the east of the subject property, have a industrial land use classification. Given the proximity of commercial and industrial land uses to the subject property, the change of the subject property to Commercial is consistent with the current and anticipated land use pattern of the area.

The subject property is located within the joint planning area with the City of Wildwood. The proposed Commercial Future Land Use of the subject property is consistent with the conceptual land use pattern approved through the adoption of the Interlocal Service Boundary Agreement with the City of Wildwood.

LAND USE SUITABILITY

Urban Sprawl

The subject property is located in an area that is proximate to the existing boundaries of the City of Wildwood. The existing land use pattern in the surrounding area includes a mix of residential, commercial, and industrial land uses.

Environmental Resources

The subject property is currently developed with a single-family home. The subject property contains no wetlands but is located within the 100-year floodplain (western half of subject property). The presence of 100-year flood-plain does not preclude commercial development of the subject property. However, any construction activities that impact the 100-year floodplain will require appropriate mitigation and compensation. The subject property is not within an Area of Environmental Concern as identified on Map VII-15 of the Sumter County Comprehensive Plan.

Historic Resources

No historic resources will be impacted by this application. This location does not appear on the Master Site File of Historic Resources in the Sumter County Comprehensive Plan.

Population and Housing

The proposed amendment to Commercial will decrease the potential number of dwelling units from 1 to 0 and population from 2 to 0 for the subject property:

CONCURRENCY ANALYSIS

This proposed amendment to the Sumter County Comprehensive Plan will have no affect on water distribution and wastewater treatment capacities. The property will be served by private well and septic. However, the City of Wildwood plans on providing water and sewer service to this area. At the time of the extension and availability of water and sewer to the subject property, the subject property will be required to connect to the water and sewer services.

There is no impact anticipated with the proposed amendment in level of service (LOS) for recreation.

The subject property is accessed via a major arterial US 301. US 301 is currently a two-lane facility at this location. However, this segment of US 301 is committed to be four-laned through an executed agreement between the Florida Department of Transportation and the Villages of Lake-Sumter, Inc. Consequently, the LOS analysis assumes US 301 to be four-laned. The anticipated increase in trip generation from the proposed amendment does not exceed the adopted LOS capacity for US 301.

Roadway Segment	Pre-Amendment Traffic		Post-Amendment Traffic		Adopted LOS Capacities		Meets LOS
	Daily Traffic	Peak Hour Traffic	Daily Traffic	Peak Hour Traffic	Daily Capacity	Peak Hour Capacity	
US 301	16,600	1,594	17,449	1,668	33,200	3,290	Yes

Pre-Amendment Traffic from FDOT 2008 Traffic Count and Adopted LOS Capacities from Sumter County Concurrency Management System
US 301 Analyzed as LOS D

INTERNAL CONSISTENCY

This proposed amendment will require amendments to the Sumter County Comprehensive Plan's Future Land Use Map of the Future Land Use Element.

Future Land Use Element

The proposed changes to the Future Land Use Element would reflect changes in the allocated inventory for Rural Residential lands, which would decrease by 1.98 acres MOL, and increase the allocated inventory of Commercial lands by 1.98 acres MOL.

Future Land Use Map

The proposed changes in the Future Land Use Map will change the designation of the subject property from Rural Residential to Commercial. Map 2 shows the change on the Future Land Use Map.

PROPOSED AMENDMENT TO THE TEXT OF THE COMPREHENSIVE PLAN

This proposed amendment does not affect the text of the Comprehensive Plan.

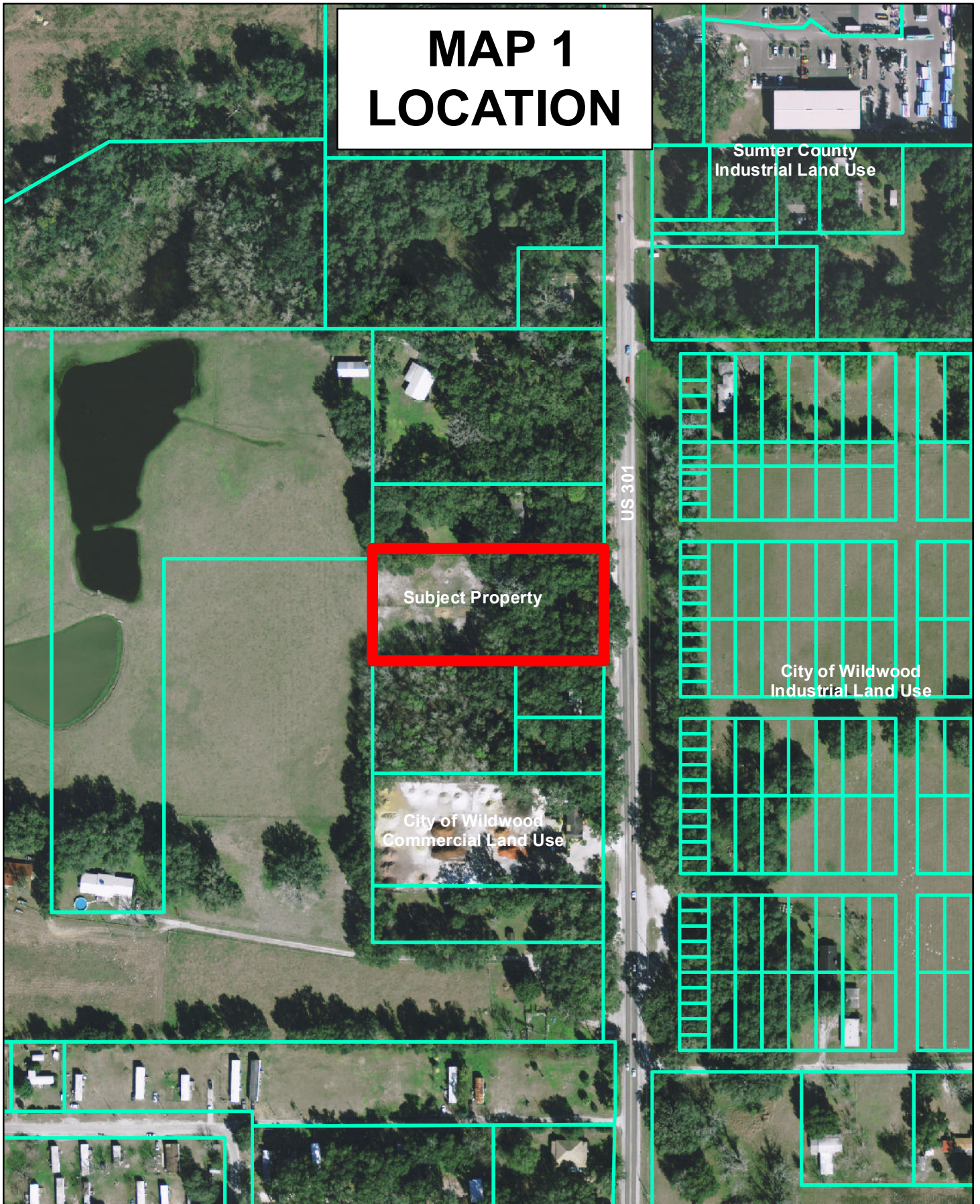
PROPOSED AMENDMENT TO THE CAPITAL IMPROVEMENTS PLAN

This proposed amendment does not affect the Capital Improvements program as outlined in the Sumter County Comprehensive Plan.

Notices Sent: 5 (In objection) 0 (In favor) 0

Zoning & Adjustment Board Recommendation: Approval (11-0)

MAP 1 LOCATION



0 87.5 175 Feet



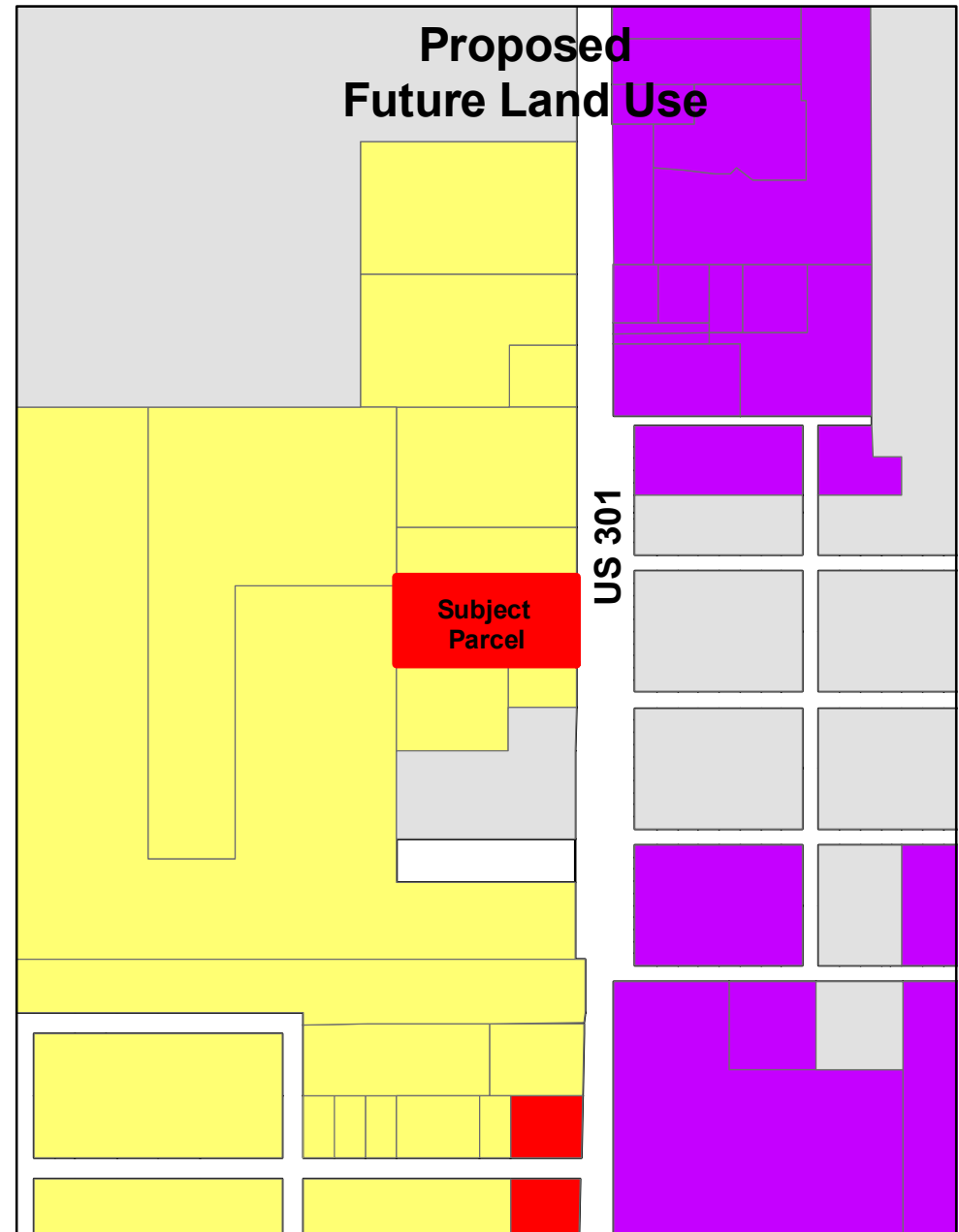
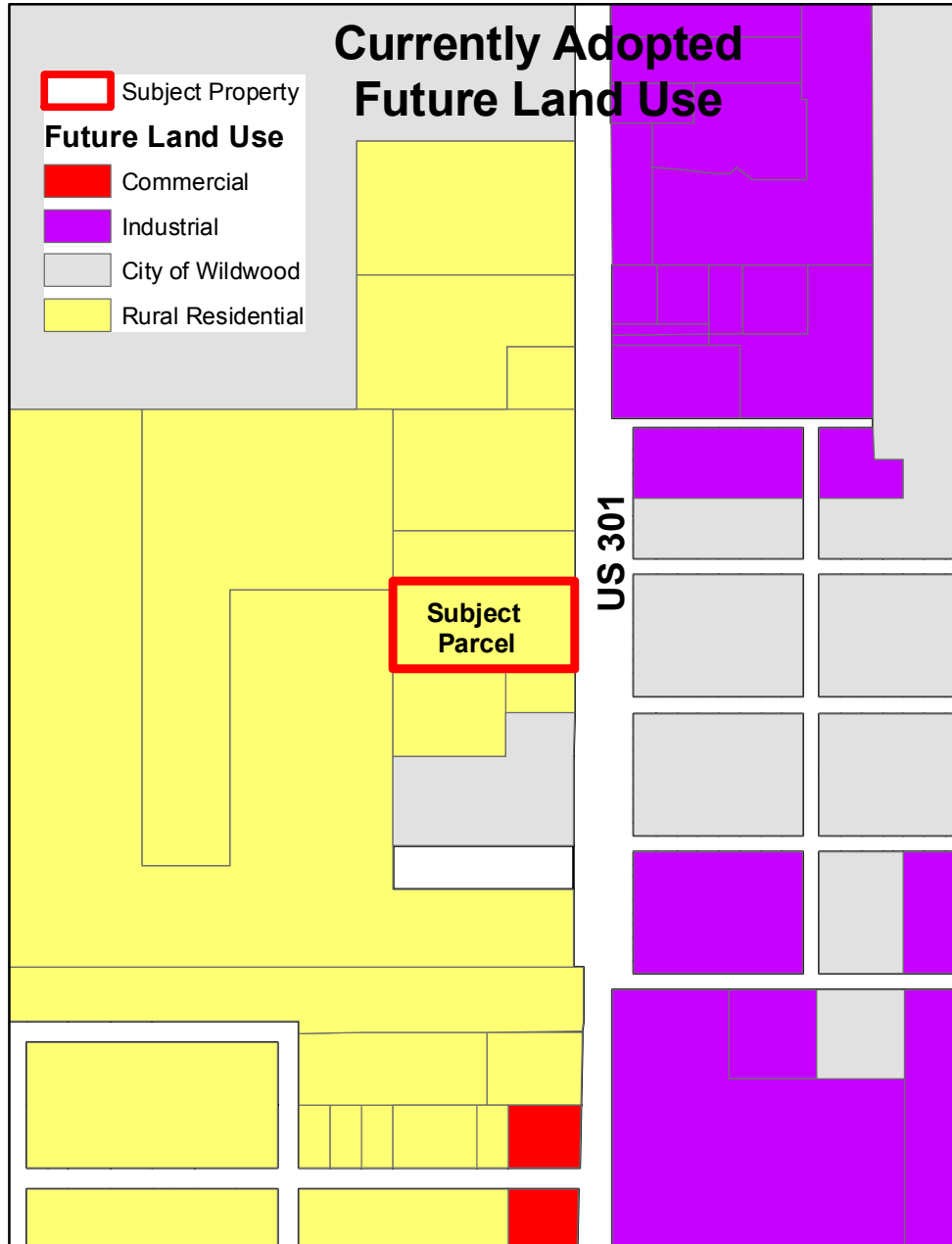
Small Scale Future Land Use Map Amendment SS# 2009-0007

Sumter County Planning & Development
December 30, 2009

Lisa Parnell & James Lopez



Map 2



Small Scale Future Land Use Map Amendment SS# 2009-0007



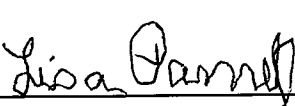
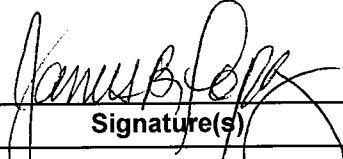
SUMTER COUNTY ZONING AND ADJUSTMENT BOARD

910 N. Main Street, Suite 301, Bushnell, FL 33513
Tel. (352) 793-0270 Fax (352) 793-0274

Project No: **SS2009-0007**

Application: 12/2/2009 SG

SMALL SCALE

PROJECT TYPE SMALL SCALE		PROJECT SUBTYPE		PROJECT DESCRIPTION SS LAND USE CHANGE ON 1.98 ACRES MOL																			
OWNER PANNELL / LOPEZ, LISA CAYE / JAMES B		ADDRESS 9404 N US HIGHWAY 301 , WILDWOOD, FL 34785		PHONE 352 748-5512																			
PARCEL # D30-019	SEC/TWP/RNG 301823	GENERAL Oxford		DIRECTIONS TO PROPERTY N ON US 301. THE PROPERTY IS LOCATED APPROX 1/10 MILE N OF CR 124 ON THE W SIDE OF THE ROAD.																			
Property Address 9404 N US 301, Wildwood, FL 34785																							
PARCEL SIZE 1.98 ACRES MOL		F.L.U. RUR		LEGAL DESCRIPTION BEG 50 FT W & 420 FT S OF NE COR OF SE1/4 FOR POB RUN W 420 FT S 210 FT E 420 FT N 210 FT TO BEG LESS HWY 301 R/W																			
PRESENT ZONING RR		PRESENT USE RESIDENCE																					
REQUESTED USE SMALL SCALE LAND USE CHANGE ON 1.98 ACRES MOL FROM RURAL RESIDENTIAL TO COMMERCIAL		ACREAGE TO BE UTILIZED 1.98 ACRES MOL		LEGAL DESCRIPTION TO BE UTILIZED SAME AS ABOVE																			
ABUTTING PROPERTY ZONING/USE F.L.U.	NORTH RR - RESIDENCE RURAL RESIDENTIAL	EAST CITY OF WILDWOOD CITY OF WILDWOOD	SOUTH RR & C2 - VACANT & MOBI RURAL RESIDENTIAL	WEST A5 - RESIDENCE & VACANT RURAL RESIDENTIAL																			
As owner/agent, I agree to post the hearing plaques within 24 hours on the property's road frontage at the corners and at 300' intervals between. I understand any action on my application will be governed by Sumter County's Comprehensive Plan and Development Code, and my payment of the non-refundable application fee will not influence the decision made on this application.			FEES																				
			<table><thead><tr><th></th><th>Amount</th><th>Payment</th></tr></thead><tbody><tr><td>\$100 Legal Ad Fee</td><td>100.00</td><td></td></tr><tr><td>Recording Fees</td><td>0.00</td><td></td></tr><tr><td>Comprehensive Plan Amend. -Sma</td><td>2,900.00</td><td></td></tr><tr><td>Postage Fee</td><td>0.00</td><td></td></tr><tr><td colspan="2">TOTAL</td><td>\$3,000.00</td></tr></tbody></table>				Amount	Payment	\$100 Legal Ad Fee	100.00		Recording Fees	0.00		Comprehensive Plan Amend. -Sma	2,900.00		Postage Fee	0.00		TOTAL		\$3,000.00
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TOTAL		\$3,000.00																					
UNDER PENALTIES OF PERJURY, I DECLARE THE ABOVE INFORMATION THAT I HAVE GIVEN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.																							
 _____ Signature(s)				 _____ Date December 2, 2009																			
A Public Hearing before the Zoning and Adjustment Board will be held on the date indicated below in the Sumter County Courthouse, Bushnell, FL. This application will be heard at the time indicated below. Your appearance or representation at this hearing is required, and lack of same will cause your application to be disposed of according to the policy adopted by the Board of County Commissioners. The recommendation of the Zoning and Adjustment Board on this request will be presented to the Board of County Commissioners at a Public Hearing to be held at the date/time indicated below in the Sumter County Courthouse, Bushnell, FL, room number indicated below.																							
Zoning and Adjustment Board		1/4/2010 6:30 PM Room: 142 <u>Colony Cottage</u>		Action: _____																			
County Commission Meeting		1/12/2010 5:30 PM Room: 142		Action: _____																			
NOTICES SENT 5		RECEIVED IN FAVOR		RECEIVED OBJECTING																			

**BOARD OF SUMTER COUNTY COMMISSIONERS
PLANNING & DEVELOPMENT**

ACKNOWLEDGMENT AND ACCEPTANCE OF HAZARDS OF PROPERTY WITHIN THE 100 YEAR FLOOD ZONE

Sumter County requires flood protection measures in areas determined by scientific and engineering considerations to be within the 100 year floodplain. The degree of flood protection required and the methods used to determine the 100 year floodplain is considered reasonable for regulatory purposes. Larger floods and floods in areas not previously identified can occur on rare occasions. Flooding situations may also be increased by man-made or natural causes. Consequently compliance with the regulations imposed by Sumter County for uses within the 100 year floodplain do not imply that such uses will be entirely free from flooding or flood damage or that areas outside the identified floodplain and floodway overlay zones will not be flooded on occasion. Therefore these regulations shall not create liability on the part of Sumter County or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hence forth.

I (we), LISA CAYE / JAMES B. PANNELL / LOPEZ, being owners of a parcel described as:
Parcel Number: D30=019 Section Township Range: 301823
Legal Description: BEG 50 FT W & 420 FT S OF NE COR OF SE1/4 FOR POB RUN W 420 FT S 210 FT E 420 FT N 210 FT TO BEG LESS HWY 301 R/W

do hereby acknowledge that Sumter County has informed me that the above described parcel is fully or partially within the 100 year flood plain area (Zone A) as delineated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for Sumter County, Florida having an effective date of March 15, 1982. Panel # 120296 0075B. I (we) understand and acknowledge the consequences of building structures on this type of property, including but not limited to:

- a) If within flood zone A, the finished floor area must be at least one foot above the base (100 year) flood elevation at the site. This will require certification by a registered land surveyor. Nevertheless, the possibility of higher waters exists as described in the first paragraph of this document.
- b) Cumulative changes made to nearby properties since the FEMA map was published can increase flooding on the subject property.
- c) Flooding of the access road to the property may occur. This includes not only private roads, but those within the County maintained system as well.
- d) The driveway to the home itself may be subject to flooding, thereby eliminating or making access to the home difficult.
- e) The potential lack of access to the home can hinder emergency vehicles in reaching the property.
- f) Damage or malfunctioning of a septic tank can occur if flood water stands on site for a period of time.
- g) Contamination of the potable water supply can occur if flood water stands on site for a period of time.

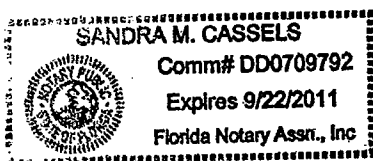
I (we) understand and accept the consequences of establishing a structure within the 100 year flood plain.

Lisa Pannell

SIGNATURE OF AFFIANT(S)

James B. Lopez

COUNTY OF Sumter STATE OF Florida THE FOREGOING WAS ACKNOWLEDGED
BEFORE ME THIS 2nd DAY OF December, 2009 WHO IS PERSONALLY KNOWN
TO ME () OR HAS PRODUCED AS IDENTIFICATION Florida Drivers License

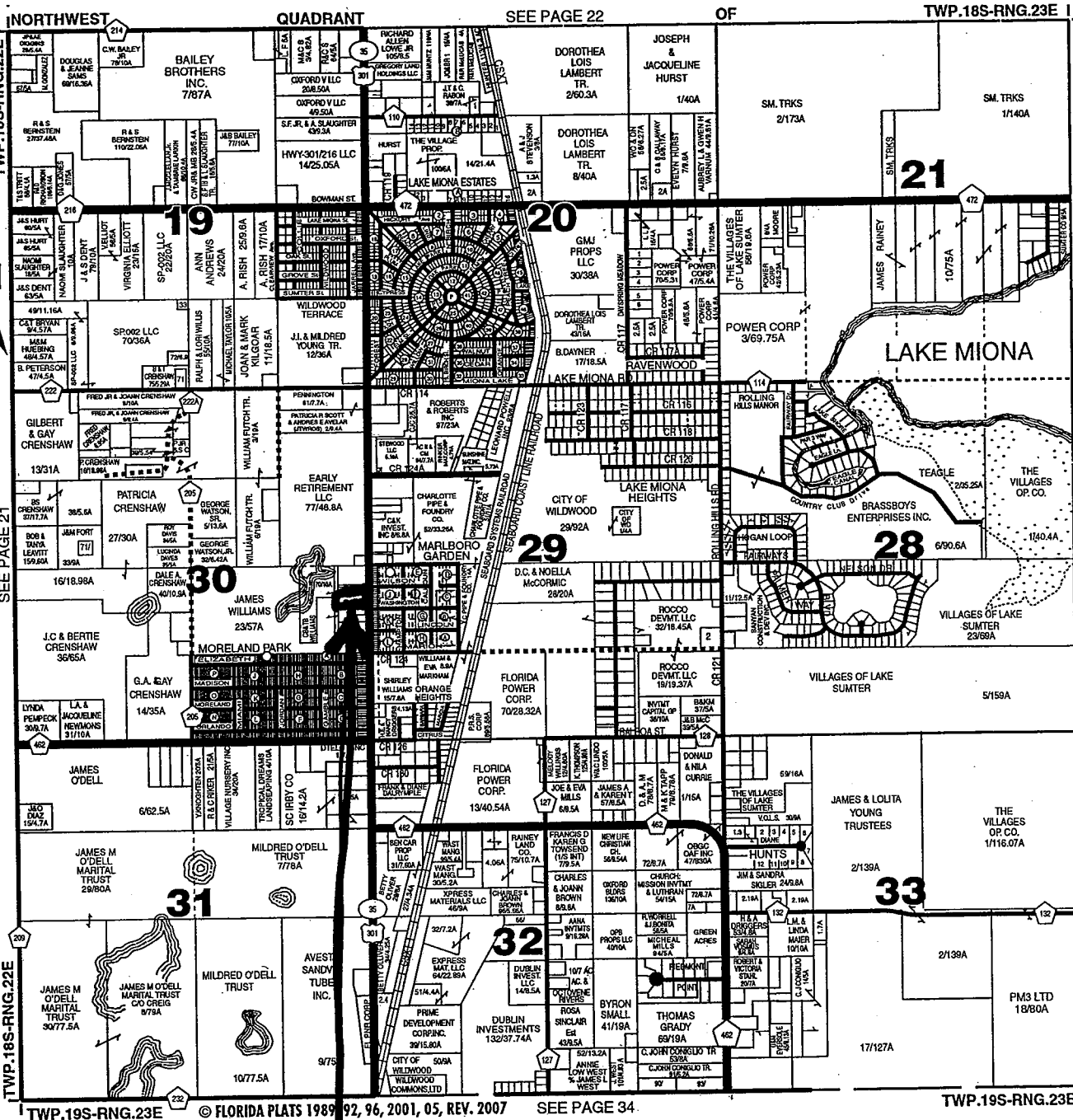


Sandra M. Cassels

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT
12/02/2009 12:06:28PM
AGREEMENT

2009 32878
PAGE 1 OF 1
B-2139 P-170

A graphic scale bar with two units. The top unit is labeled "SCALE OF MILES" and has markings for 0, 1/2, and 1. The bottom unit is labeled "SCALE OF FEET" and has markings for 660, 1320, 1980, 2640, and 5280. The bar is divided into segments corresponding to these values.



SS2009-0007 & R2009-0027
Pannell, Lisa Caye & Lopez, James B.
Sec. 30, Twp. 18S, Rng. 23E

D30=023

D30=018

SUMTER

D30=019

D30=028

D30=020

D30=026

D30=021

~~SECRET~~

SS2009-0007 *PR*2009-0027
Pannell, Lisa Caye & Lopez, James B.
Sec. 30, Twp. 18S, Rng. 23E

Wildwood

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